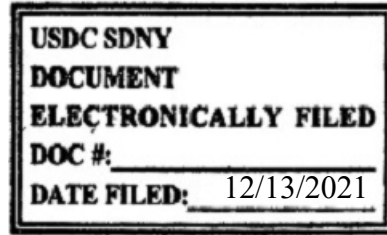


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN FLYNN, et al.,
Plaintiffs,
-against-
MCGRAW HILL LLC, et al.,
Defendants.



21-CV-614 (LGS) (BCM)
21-CV-1141 (LGS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during the December 10, 2021 conference, it is hereby ORDERED as follows:

1. Defendants' Privilege and Non-Responsiveness Assertions. In accordance with the Court's oral rulings during the December 10 conference, defendants shall re-review the documents withheld from discovery, including those logged as "Responsive – Privilege Withheld" (Dkt. No. 79-2, at ECF pages 2-43), those logged as "Non-Responsive - Privileged" (*id.* at ECF pages 44-83), and those logged as "Non-Responsive – Non-Privileged" (*id.* at ECF pages 84-125). No later than **January 14, 2022**, defendants shall produce those documents that do not meet the standards for withholding, together with a revised privilege log.
 - a. As to the documents logged as "Responsive – Privilege Withheld" and "Non-Responsive – Privileged," defendants are reminded that unless an entire document is privileged, that document may not be withheld on privilege grounds alone. Instead, the privileged portions may be redacted (and must be logged).
 - b. As to the documents logged as "Non-Responsive – Privileged," and "Non-Responsive – Non-Privileged," defendants are reminded that unless the

document reveals individualized information concerning unnamed putative class members (e.g., spreadsheets identifying and/or listing contract terms or financial information for numerous unnamed putative class members), it may not be withheld on non-responsiveness grounds alone.

2. Plaintiffs' Privilege Assertions. No later than **January 14, 2022**, plaintiffs shall produce "Karlan's Conversation with his 'Judge Friend' Scott Bernstein" and "Plaintiffs' Communications with Third Parties," as described in the parties' Joint Status Letter (Dkt. No. 79) at 4.
3. Phase 1 Fact Discovery Schedule. The Stage 1 fact discovery deadline is EXTENDED to **January 31, 2022** for the limited purpose of completing the parties' Stage 1 document production, as described above, and any previously-noticed Stage 1 fact depositions. Absent a stipulation among the parties or further order of the Court, no new Stage 1 discovery requests or notices are to be served. Stage 2 fact discovery and expert discovery remain STAYED.
4. Status Conference. The Court will hold a further status conference on **February 4, 2022, at 11:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. The parties shall submit a joint status update letter no later than **February 1, 2022**, apprising the Court of the progress of Phase 1 fact discovery and briefly outlining any remaining fact discovery disputes requiring judicial intervention.

Dated: New York, New York
December 13, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge